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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,277	09/23/2003	Thomas R. Kroswek	687197615001	6569

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EXAMINER	
HAIDER, FAWAAD	

ART UNIT	PAPER NUMBER
3627	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/669,277	KROSWEK ET AL.	
	Examiner	Art Unit	
	FAWAAD HAIDER	3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 February 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *See Continuation Sheet* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,8,13-15,20,22,23,25-27,33,41,42,45,46,49,56,58,59,61,63 and 69* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *15 April 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Continuation of Disposition of Claims: Claims pending in the application are 1,8,13-15,20,22,23,25-27,33,41,42,45,46,49,56,58,59,61,63 and 69.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1, 8, 13-15, 20, 22-23, 25-27, 33, 41-42, 45-46, 49, 56, 58-59, 61, 63, and 69 are rejected under 35 U.S.C. 103(a) as being unpatentable over in view of Koenigbauer et al (2003/0050819) in view of Gil et al (2002/0188513) and Audimoolam et al (2005/0209732).

Re Claims 1, 42, 63, 69: Koenigbauer discloses (b) accessing a system data store and retrieving data on the one or more products, wherein said system data store is physically separated from said one or more access servers (see [0009, 0024, 0026, 0034, 0047]); (d) at a system processor, generating a product shipment configuration and a logistics plan based on the received order, the determined seller, the determined buyer or combinations thereof, wherein said generated product shipment configuration comprises a three-dimensional model for organizing one or more portions of the received order in a selected cargo space and wherein said system processor is

physically separated from said one or more access servers and from said system data store (see [0010, 0015, 0024-0026, 0034, 0037, 0064-0065, 0127]); (e) determining a transporter based on the generated product shipment configuration, the generated logistics plan, the determined buyer, the determiner seller or combinations thereof (see [0008, 0009, 0024, 0034, 0039, 0041, 0043]); (f & g) transmitting the generated product shipment configuration to the determined buyer, to the determined seller, to the determined transporter or to combinations thereof; and transmitting the generated logistics plan to the determined buyer, to the determined seller, to the determined transporter or to combinations thereof (see [0034, 0036, 0173-0191]).

However, Koenigbauer fails to disclose the following limitations. Meanwhile, Gil discloses (a) receiving an order for one or more products from a supply chain participant via one or more access servers; (c) for each of the one or more products in the received order, determining a buyer and a seller (see Figures 2A-2B, [0046, 0049, 0064, 0199]). From the teaching of Gil, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Koenigbauer's invention with Gil's disclosure of an order, buyer, and seller in order to help in "coordinating a supply chain, and more particularly, to reporting in a supply chain (see [0003])."

However, both Koeningbuaer and Gil fail to disclose the following limitation. Audimoolam discloses further comprising the steps of (n) generating one or more exception reports based upon the received event data and the general logistics plans and (o) transmitting a notification of generation of the one or more exception reports to a recipient, wherein the recipient is selected from the group consisting of the determined

buyer, the determined seller, the determined transporter, a supply chain management administrator and combinations thereof, wherein the notification comprises identification information associated with each member of a subset of the one or more generated exception reports, and wherein the identification information comprises a link that upon activation by the recipient allows access to the exception report associated therewith (see [0078, 0103]). From the teaching of Audimoolam, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify both Koeningbuaer's and Gil's inventions in order that it "enables collaborative ordering, forecasting, inventory and replenishment management... (see Audimoolam Abstract)."

Re Claim 8: Koeningbauer discloses wherein the access server is of a type selected from the group consisting of ftp server, e-mail server, web server, interactive voice/tone response system, fax server and combinations thereof (see [0034]).

Re Claim 13: Gil discloses wherein the step of determining the buyer and the seller for each of the one or more products comprises the steps of: (i) retrieving an entry for each product from a system data store; (ii) identifying the buyer for each product from the received order or the retrieved entry for that product; and (iii) identifying the seller for each product from the received order or the retrieved entry for that product (see Figures 2A-2B). From the teaching of Gil, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Koenigbauer's invention with Gil's disclosure of an order, buyer, and seller in order to help in "coordinating a supply chain, and more particularly, to reporting in a supply chain (see [0003])."

Re Claim 14: Koeningbauer discloses wherein the step of identifying the seller for each product comprises the step of selecting the seller based upon a criterion selected from the group consisting of pricing constraints, volume constraints, distance constraints, time constraints, performance constraints, financial constraints, and combinations thereof (see [0038, 0063, 0106]).

Re Claim 15: Koeningbauer discloses wherein the step of (c) generating the product shipment configuration and the logistics plan comprises the steps of: (i) retrieving an entry for each product from a system data store; (ii) identifying containerization constraints associated with each product from the retrieved entry; (iii) developing a containerization plan for each product in the received order; (iv) allocating the received order into one or more shipments based upon the containerization plan; and (v) developing a route plan to satisfy the one or more shipments based upon the allocation of the received order into the one or more shipments and upon the received order (see [0026, 0037, 0042]).

Re Claim 20: Koeningbauer discloses further comprising the step of (h) receiving a request for the generated product shipment configuration from a buyer, from a seller or from a transporter via one or more access servers and wherein the step of transmitting the product shipment configuration is in response to the received request (see [0181, 0187]).

Re Claim 22: Koeningbauer discloses wherein the generated product shipment configuration is transmitted via a delivery platform selected from the group consisting of

e-mail, web, ftp, fax, courier service, postal mail, telephone, pager and combinations thereof (see [0006]).

Re Claim 23: Koeningbauer discloses further comprising the step of (g) receiving a request for the generated logistics plan from a seller, from a buyer or from a transporter and wherein the step of transmitting the generated logistics plan is in response to the received request (see [0181, 0187]).

Re Claim 25: Koeningbauer discloses wherein the generated logistics plan is transmitted via a delivery platform selected from the group consisting of e-mail, web, ftp, fax, courier service, postal mail, pager, telephone and combinations thereof (see [0006]).

Re Claim 26: Koeningbauer discloses further comprising the step of (h) receiving event data associated with the generated logistics plan from the buyer, seller, or a transporter via one or more access servers (see [0022]); (i) generating one or more exception reports based upon the received event data and the generated logistics plans; (j) selecting an exception report from the one or more generated exception reports; (k) selecting a recipient from the group consisting of the determined buyer, the determined seller, the determined transporter, a supply chain management administrator and combinations thereof; (l) selecting a delivery platform from the group consisting of e-mail, web, ftp, fax, courier service, postal mail, telephone, pager, instant messaging and combinations thereof and (m) outputting the selected exception report to the selected recipient via the selected delivery platform (see [0175, 0181, 0186, 0190, 0192, 0193]).

Re Claim 27: Koeningbauer discloses wherein the received event data is received from the buyer, a seller or a transporter (see [0022]).

Re Claim 33: Koeningbauer discloses further comprising the step of (n) selecting a delivery platform for the generated exception report based upon configuration information associated with the recipient (see [0175, 0181, 0190]).

Re Claim 41: Audimoolam discloses further comprising the steps of (n) receiving an exception report request from the recipient via an access server, wherein the step of outputting the selected exception report is responsive to the received request and (o) selecting a delivery platform for the selected exception report based upon the received request, configuration information associated with the recipient or combinations thereof (see [0078, 0103]).

Re Claim 42: Audimoolam discloses further comprising the steps of (n) generating one or more exception reports based upon the received event data and the general logistics plans and (o) transmitting a notification of generation of the one or more exception reports to a recipient, wherein the recipient is selected from the group consisting of the determined buyer, the determined seller, the determined transporter, a supply chain management administrator and combinations thereof, wherein the notification comprises identification information associated with each member of a subset of the one or more generated exception reports, and wherein the identification information comprises a link that upon activation by the recipient allows access to the exception report associated therewith (see [0078, 0103]).

Re Claim 45: Koeningbauer discloses further comprising the step of (p) determining the subset of one or more generated exception reports (see [0175, 0181, 0190]).

Re Claim 46: Koeningbauer discloses wherein the step of determining the subset of one or more generated exception reports is based upon the recipient (see [0175, 0181, 0190]).

Re Claim 49: Koeningbauer discloses wherein the notification is transmitted via a delivery platform selected from the group consisting of e-mail, web, ftp, fax, courier service, postal mail, telephone, pager and combinations thereof (see [0006]).

Re Claim 56: Koeningbauer discloses further comprising the step of (h) transmitting a notification of generation of the product shipment configuration to the determined buyer, to the determined seller, to the determined transporter or combinations thereof, wherein the notification comprises a link that upon activation allows access to the generated product shipment configuration (see [0041, 0096, 0186]).

Re Claim 58: Koeningbauer discloses wherein the step of transmitting the generated product shipment configuration is responsive to activation of the link in the notification (see [0041, 0196]).

Re Claim 59: Koeningbauer discloses further comprising the step of (h) transmitting a notification of the generated logistics plan to the determined buyer, to the determined seller, to the determined transporter or combinations thereof, wherein the

notification comprises a link that upon activation allows access to the generated product logistics plan (see [0041, 0096, 0186]).

Re Claim 61: Koeningbauer discloses wherein the step of transmitting the generated logistics plan manifest is responsive to activation of a selected link in the notification (see [0041, 0196]).

Response to Arguments

3. Applicant's arguments with respect to claims 1, 8, 13-15, 20, 22-23, 25-27, 33, 41-42, 45-46, 49, 56, 58-59, 61, 63, and 69 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fawaad Haider whose telephone number is 571-272-7178. The examiner can normally be reached on Monday-Friday 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Ryan Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Fawaad Haider/

Examiner

Art Unit 3627

/F. Ryan Zeender/

Supervisory Patent Examiner, Art Unit 3627